

# **Draft Environmental Assessment**

## **Fish Creek Wildlife Management Area Proposed Acquisition of Koch Inholdings**



**March 2018**



***Montana Fish,  
Wildlife & Parks***

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## INTRODUCTION

Montana Fish, Wildlife & Parks (FWP) invites the public to comment on this proposal to acquire an approximately 276-acre addition to its Fish Creek Wildlife Management Area (FCWMA), through a purchase from private landowner Randy Koch. The proposed acquisition property (“subject properties”) is composed of two private inholdings (parcels) within the 35,041-acre FCWMA, which is bordered by lands owned by the Montana Department of Natural Resources and Conservation (DNRC) and United States Forest Service (USFS). The 2 parcels are the approximately 116-acre Whitehorse parcel (just west of Whitehorse Gulch, off West Fork Fish Creek) and the 160-acre Main-Stem Fish Creek (hereafter, main-stem) parcel (Figure 1).

FWP’s purpose for purchasing the land is to manage important habitat for deer, elk and other wildlife, and prevent this habitat from potentially being developed or subdivided. The primary benefits of acquiring this property would be to:

1. Protect an important forest and riparian corridor that provides vital habitat for wintering elk, mule deer, white-tailed deer, and moose;
2. protect a high-priority wildlife linkage zone;
3. protect some of the last and best remaining habitat for bull trout and westslope cutthroat trout in the Clark Fork region by securing 1.2 miles of riparian habitat along Fish Creek;
4. increase public access and recreational opportunities by managing the property as part of the FCWMA; and
5. maintain integrity of the WMA by preventing uses of these inholdings that would be incompatible with the WMA’s habitat and recreation values.

### 1.0 PURPOSE OF AND NEED FOR PROPOSED ACTION

#### **Agency authority for the proposed action:**

FWP is authorized under state law (§ 87-1-201, Montana Code Annotated (MCA)) to protect, enhance, and regulate the use of Montana's fish and wildlife resources for public benefit now and in the future, and to acquire land for this purpose (§ 87-1- 209, MCA). The Montana Fish and Wildlife Commission (the Commission) is the decision-making authority for matters of land acquisitions, conservation easements, or other interests in land proposed by FWP. Through its Habitat Montana Policy (Administrative Rules of Montana (ARM) 12.9.508-.512), the Commission has directed FWP to deliver the following services and benefits with regards to interests in protecting wildlife habitat: (a) conserve and enhance land, water and wildlife; (b) contribute to hunting and fishing opportunities; (c) provide incentives for habitat conservation on private land; (d) contribute to non-hunting recreation; (e) protect open space and scenic areas; (f) promote habitat-friendly agriculture; and (g) maintain the local tax base. In addition to Commission approval of this proposed project, the Montana Board of Land Commissioners (the Land Board) must approve FWP land acquisitions, disposals or exchanges involving over 100 acres or \$100,000 in value.

#### **Project Need:**

This project represents a unique opportunity for FWP to conserve a private inholding totaling 276 acres of vital wildlife and fish habitat in Fish Creek and to consolidate FWP ownership and management of the Fish Creek WMA. The property fills in a crucial gap in public ownership that connects wildlife

movement across a broader landscape and protects key habitat for bull trout and westslope cutthroat trout. The Fish Creek drainage is a Tier 1 Terrestrial Focal Area for wildlife connectivity (MFWP 2015) and a high-priority linkage zone for carnivores (grizzly bear, Canada lynx, wolverine, etc.) between the Northern Continental Divide Ecosystem, the Ninemile Divide and the Selway-Bitterroot Wilderness (Servheen et al. 2003, American Wildlands 2008). The Whitehorse parcel provides an important migratory corridor for elk and mule deer from the WMA to the higher elevation summer range in the Great Burn Proposed Wilderness. The main-stem parcel is critical for north-south movement through the riparian habitat along Fish Creek and supports abundant white-tailed deer and moose. Mountain lion, black bear, wolf, mountain grouse, numerous migratory and resident birds, and amphibians are commonly found in this inholding.

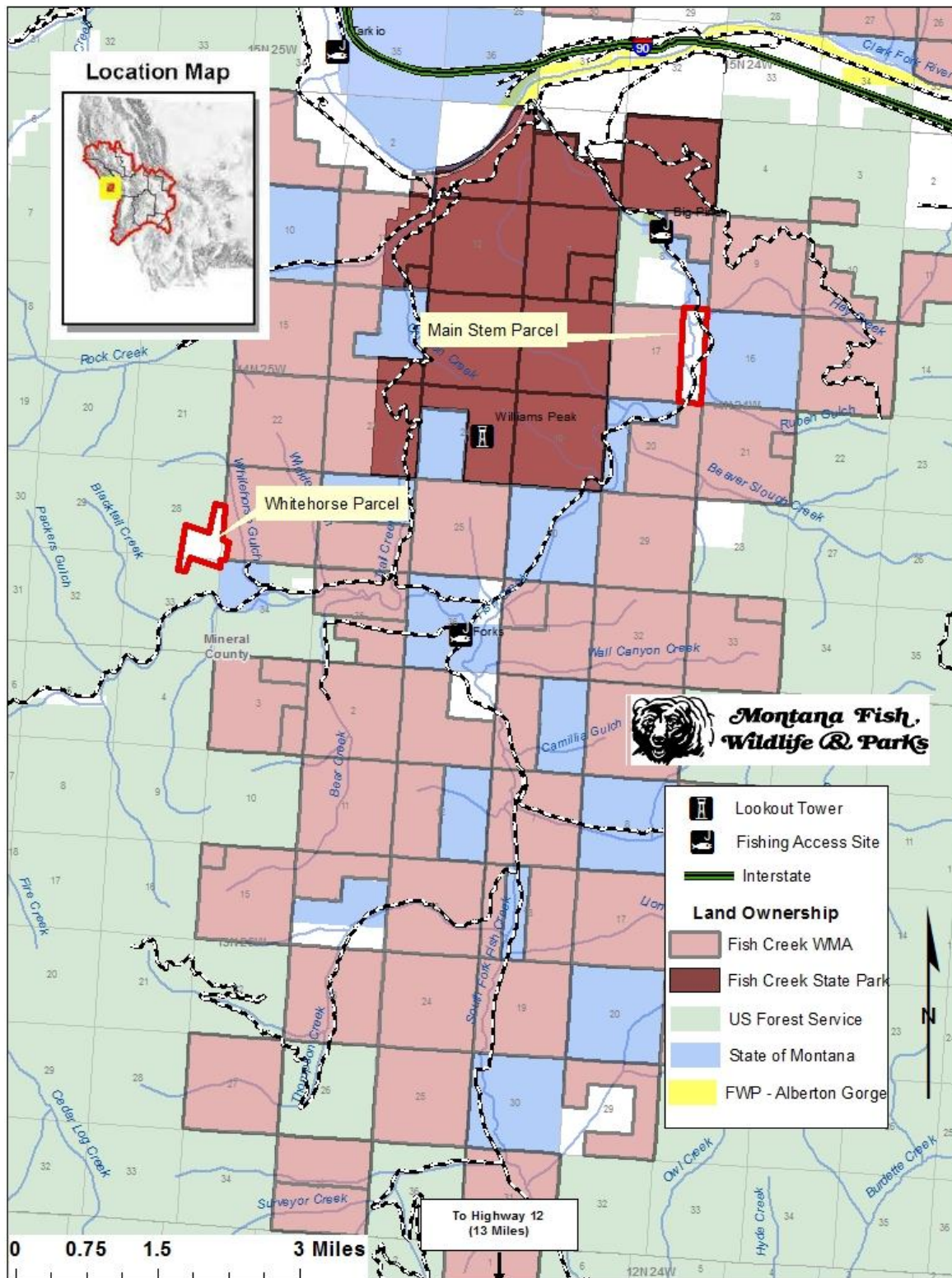
Fish Creek is also a Tier 1 Aquatic Regional Focal Area (MFWP 2015), the most hydrologically intact tributary watershed in Mineral County, and the most valuable stronghold for westslope cutthroat trout and federally protected bull trout (both MT Species of Greatest Conservation Need) in the Middle Clark Fork region (MFWP 2015). This stream system supports the largest fluvial bull trout population in the middle Clark Fork River drainage and typically contains more redds than the rest of the tributaries in this region combined. The main-stem property includes a key migratory corridor and subadult rearing area for migratory trout, as well as a high-value public fishery that currently supports > 4,000 angler-days annually.

The main-stem Fish Creek parcel proposed for acquisition contains approximately 78 acres of riparian habitat and more than 6,000 feet of the Fish Creek channel. Acquiring this inholding property would eliminate the threat of development that could compromise the ecological integrity of lower Fish Creek and this part of the WMA. Public ownership would also ensure additional access for public hunting, fishing and other opportunities along a popular recreational corridor.

FWP's acquisition of the Fish Creek WMA and State Park, winter road plowing on the nearby Fish Creek Road, and access to thousands of acres of adjacent public lands and the proposed Great Burn Wilderness make the subject property marketable for potential development and/or subdivision, which could directly impact conservation values on the WMA. A nearby property with similar attributes sold in 2013, on which a residential home/cabin and other developments have already been constructed. FWP made a large investment in the conservation of Fish Creek with the purchase of the WMA and State Park in 2010. Therefore, it is of high priority to the agency to protect this investment by acquiring inholdings that otherwise could be developed and affect FWP's ability to effectively manage the larger landscape for fish and wildlife values.

The potential replacement of native vegetation with houses, garages, barns, fences, driveways, and/or other construction would constitute a direct habitat loss for native wildlife populations on the subject property and would affect the integrity of managing the WMA as a whole. Human activity associated with residential areas, including pets and vehicle traffic, would displace many species from otherwise suitable habitat within an expanded radius beyond the house and development footprint. Conversely, the potential introduction of garbage, bird feeders, fruit trees and other unnatural foods would be expected to attract deer, bears and mountain lions into nuisance situations that would not occur without rural residential development; these situations are difficult and expensive to mitigate or correct. Additionally, potential and unencumbered private sale and development of the subject property would likely decrease future hunting opportunities on those lands.





**Figure 1.** Location map of Fish Creek WMA and State Park and the proposed acquisition (Koch properties). (White-colored parcels are private ownership.)

**Location affected by proposed action:**

Fish Creek Wildlife Management Area and the proposed addition are located in FWP Administrative Region 2 in Mineral County (Figure 1). The properties are located approximately 7-8 miles south and southeast of the community of Tarkio, Montana.

**Legal description:**

Whitehorse Parcel, 115.717 acres (Figure 2):

T14N, R25W, Section 28, SE1/4, T14N, R25W, Section 33, NE1/4

Main-Stem Parcel, 160.000 acres (Figure 3):

T14N, R25W, Section 17, NE1/4 & SE1/4

**Estimated project size:**

	<u>Acres</u>		<u>Acres</u>
(a) Developed:		(d) Floodplain	<u>0</u>
Residential	<u>0</u>		
Industrial	<u>0</u>	(e) Productive:	
		Irrigated cropland	<u>0</u>
(b) Open Space/	<u>198</u>	Dry cropland	<u>0</u>
Woodlands/Recreation		Forestry	<u>0</u>
(c) Wetlands/Riparian	<u>78</u>	Rangeland	<u>0</u>
Areas		Other	<u>0</u>

**Permits, Funding & Overlapping Jurisdiction:**

(a) **Permits:** none required

(b) **Funding (proposed):**

US Fish & Wildlife Service (Pittman-Robertson)	\$622,500
FWP (Habitat Montana)	207,500
Northwestern Energy	60,000
Montana Trout Unlimited	<u>10,000</u>
Total	\$900,000

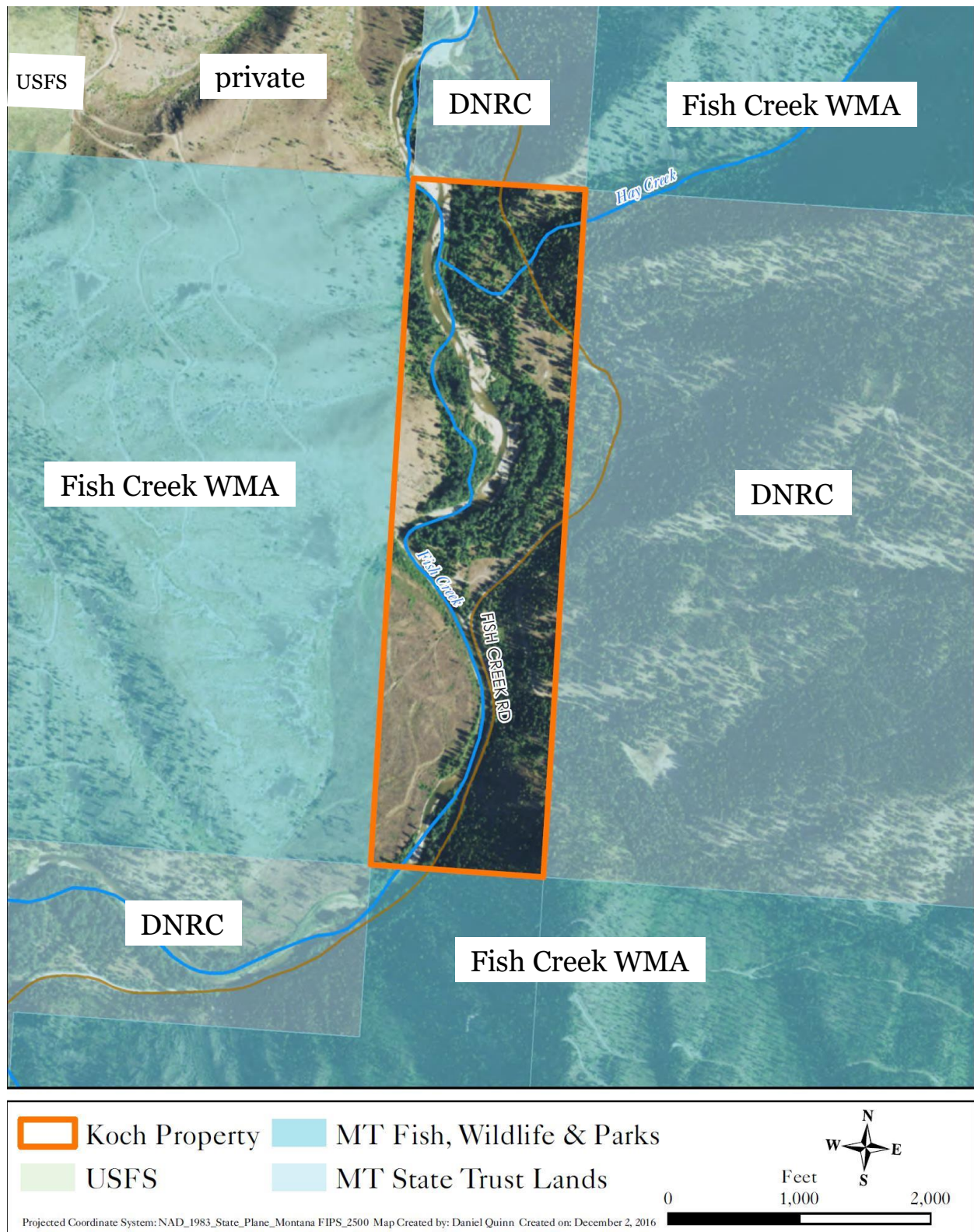
(c) **Other Overlapping Jurisdictional Responsibilities:**

<u>Agency Name</u>	<u>Type of Responsibility</u>
Fish & Wildlife Commission	Acquisition approval
Montana State Land Board	Acquisition approval
State Historic Preservation Office	Cultural & historic resources
Mineral County Weed District	Weed inventory
US Fish & Wildlife Service	Threatened/endangered species

(d) **Other Project Contributions:**

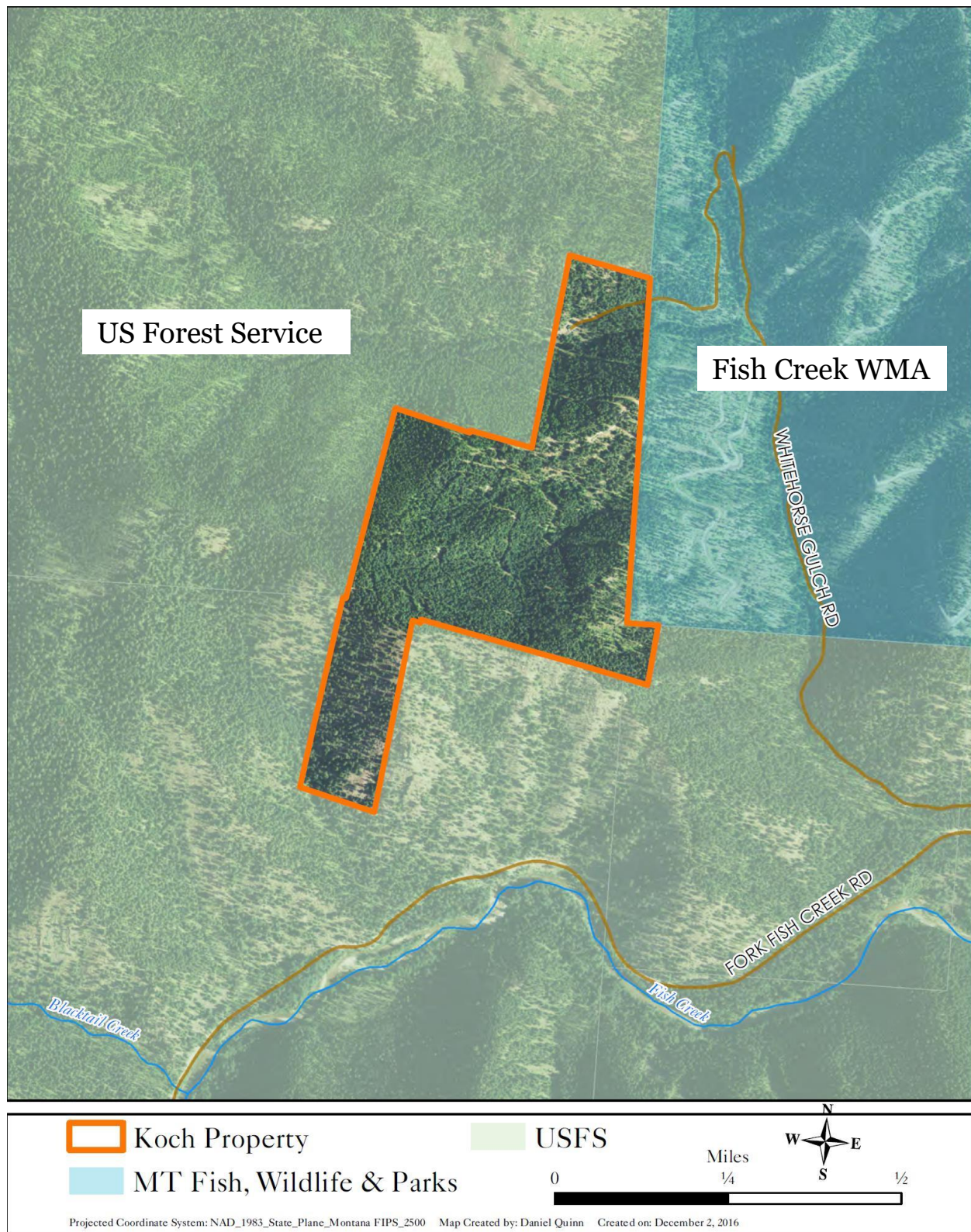
Five Valleys Land Trust: Staff time, mileage, title review, and legal review (~\$16,000)





**Figure 2.** Aerial view of the proposed Main-Stem acquisition.





**Figure 3.** Aerial view of the proposed Whitehorse acquisition

## **Evaluation and listing of mitigation, stipulation, or other control measures enforceable by the agency or another government agency:**

The conservation and protection of threatened and endangered species, such as the bull trout (listed Federally as Threatened), Canada lynx (Threatened), and grizzly bear (Threatened) are under the jurisdiction of the US Fish & Wildlife Service (USFWS) under the 1973 Endangered Species Act (ESA). The wolverine is a Montana Species of Concern<sup>1</sup> (SOC) and is currently classified as “proposed threatened”<sup>2</sup> by the USFWS.

### **Anticipated Schedule:**

Public Comment Period: March 14<sup>th</sup> – April 13<sup>th</sup>, 2018

Decision Notice Published: April 2018

Reviewed by Fish and Wildlife Commission: June 2018

Reviewed by Montana Board of Land Commissioners: June 2018

### **Narrative summary of the proposed action:**

#### General Description of FCWMA

In 2010, FWP acquired 40,175 acres from The Nature Conservancy to form the Fish Creek WMA (34,573 acres) and Fish Creek State Park (5,602 acres)<sup>3</sup>. FWP, with the assistance of Five Valleys Land Trust (FVLT) purchased two inholdings, 148 acres in early 2015 (Hulme addition) and an additional 320 acres (Rehbein addition) were acquired in the West Fork of Fish Creek in 2016 resulting in the WMA’s current 35,041 acres. FWP is partnering with FVLT on the proposed Koch acquisition and they have donated ~\$16,000 in staff time, mileage, title review, and legal review toward this process.

The Fish Creek drainage provides significant winter range and other seasonal habitats for elk, mule deer, white-tailed deer, and moose. It also supports diverse populations of predators, furbearers and upland game birds, including black bear, mountain lion, wolf, mountain grouse, and wild turkey. Grizzly bear use of the area was documented in 2014 and is expected to increase in the future as this species continues to expand into historically occupied areas. The intact, productive riparian corridors of Fish Creek and its tributaries have exceptional habitat for white-tailed deer and moose, while the drier upland slopes provide forage and browse for mule deer. White-tailed deer and mule deer are abundant throughout the year. Moose are also observed frequently on the subject property.

In addition, Fish Creek provides hunter opportunity, with 1,338 hunters harvesting 94 animals (white-tailed deer, mule deer, and elk) passing through the Fish Creek check station on weekends in 2016. FWP personnel estimate >3,000 hunter-days annually within the drainage. The subject property is located in deer/elk hunting districts (HD) 202 and 203, lion management unit 202, bear management unit 200, and wolf management unit 200. The acquisition of the subject property would secure additional points of public access for hunters and anglers to FCWMA and DNRC lands.

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<sup>1</sup> A native animal breeding in Montana that is considered to be “at risk” due to declining population trends, threats to its habitats, and/or restricted distribution. The purpose of Montana's SOC listing is to highlight species in decline and encourage conservation efforts to reverse population declines and prevent the need for future listing as Threatened or Endangered Species under the Federal Endangered Species Act. More information may be found at <http://mtnhp.org/animal/> (MNHP 2018).

<sup>2</sup> The USFWS proposed the wolverine to be listed as Threatened in May 2014; in August 2014 the Regional Director (Mountain-Prairie Region) ordered that the rule to list be reversed. The proposal to list was reopened October 2016 by court order. Its current status is “proposed threatened”; per <https://ecos.fws.gov/ecp0/profile/speciesProfile?spcode=A0FA> and Federal Register <https://www.gpo.gov/fdsys/pkg/FR-2016-10-18/pdf/2016-24929.pdf> Both accessed 2 February 2018.

<sup>3</sup> The Draft EA for The Fish Creek WMA and State Park acquisition may be viewed on FWP’s webpage at [http://fwp.mt.gov/news/publicNotices/environmentalAssessments/acquisitionsTradesAndLeases/pn\\_0081.html](http://fwp.mt.gov/news/publicNotices/environmentalAssessments/acquisitionsTradesAndLeases/pn_0081.html) The Decision Notice (DN) is at [http://fwp.mt.gov/news/publicNotices/decisionNotices/pn\\_0423.html](http://fwp.mt.gov/news/publicNotices/decisionNotices/pn_0423.html) and the revised DN is at [http://fwp.mt.gov/news/publicNotices/decisionNotices/pn\\_0427.html](http://fwp.mt.gov/news/publicNotices/decisionNotices/pn_0427.html) All accessed 23 January 2018.



The Fish Creek drainage is also a high-priority forest carnivore linkage zone (e.g., Canada lynx, wolverine) between the Ninemile Divide and the Selway-Bitterroot Wilderness (Servheen et al. 2003, American Wildlands 2008). There are approximately 182 wildlife species (57 mammals, 115 birds, 5 amphibians, and 5 reptiles) that biologists have either verified in the FCWMA or are likely to be found within the area. The FCWMA provides access to adjacent public roadless areas, as well as the 270,000-acre Proposed Great Burn Wilderness, which straddles the Montana-Idaho border.

Fish Creek is the largest tributary watershed in the middle Clark Fork River region and is considered the most valuable stronghold for bull trout and other native fish. The upper drainage primarily is comprised of public lands, most of which are roadless and/or proposed wilderness areas managed by the USFS (Lolo National Forest). The lower elevation tributaries and mainstem tracts are owned by FWP and DNRC, with a limited number of small private inholdings (Figure 1). This stream system supports the largest fluvial bull trout population in the middle Clark Fork River drainage and typically contains more redds than the rest of the tributaries in this region combined.

Fish Creek also is a popular, high-quality trout fishery that supports more than 4,000 angler-days per year, with the majority of those angler days occurring on the main-stem Fish Creek and lower portions of the West Fork of Fish Creek. This fishery is unique in that it is predominantly supported by westslope cutthroat trout, a Montana SOC. Angler pressure is focused in a relatively small area of the main stem from the “Forks” confluence downstream approximately 6 miles to the mouth of Fish Creek, which includes the Koch property. Since acquisition of the Fish Creek WMA and State Park in 2010, angling pressure has more than doubled. Rapid increases in angler use and high conservation values prompted FWP to enact more restrictive fishing regulations (e.g., artificial-lures only, catch-and-release only for most trout) in recent years to help protect native trout populations and the quality of the fishery.

#### Description of the Property

The main-stem parcel (160 acres) was formerly owned by Plum Creek Timber Company (PCTC) and is one of several inholdings that had been sold to private buyers prior to The Nature Conservancy's acquisition of the PCTC lands in Fish Creek. The Whitehorse parcel (116 acres) was previously in other private ownership before Koch. Between the two parcels, there are approximately 78 acres of stream corridor, riparian areas, and associated wetlands and 198 acres of adjacent upland habitat, important for elk and other wildlife species.

The main-stem and Whitehorse parcels have unique habitat values for fish and wildlife. The parcels are both key winter range habitat for white-tailed deer, moose, elk, and mule deer. The main-stem parcel encompasses 1.2 miles of the main stem of Fish Creek and its associated riparian habitat including the confluences of Hay Creek and Ruben Gulch with Fish Creek. This area provides critical feeding and breeding sites for a variety of birds, bats, small carnivores, and amphibians. Riparian habitat is critical for species diversity, and overall supports more than half of the breeding bird species yet covers only a small portion of the landscape. The intact riparian corridor also buffers Fish Creek from habitat and water quality degradation and provides habitat complexity for sensitive aquatic species. Twenty-eight terrestrial vertebrate SOC or Potential SOC (PSOC) have been observed on or near these two parcels or could possibly be found there based on habitat (see Appendix A).

The main stem of Fish Creek provides an intact migratory corridor and rearing area that is vital to native trout populations and the overall fish/aquatic community. Fish Creek is unique in that it supports the strongest fluvial (river migrant) runs of bull trout and westslope cutthroat trout in the western half of FWP's Region 2. The proposed inholding is functionally intact and represents an important connective corridor for these and other aquatic populations.

Both parcels fill in a crucial gap in public ownership that provides for connectivity and wildlife movement across a broader landscape. The Fish Creek drainage is dominated by narrow steep-sided valleys making the property along the main stem especially important for wildlife movement north and south. Due to the steep nature of north-south running slopes, connectivity for wildlife movement from west to east is confined to a few corridors such as the Whitehorse parcel between the higher elevations of the proposed Great Burn Wilderness and the lower elevations of Fish Creek WMA. This area is an important migratory corridor for elk and mule deer between summer and winter ranges. Mountain lion, black bear, and wolf commonly inhabit and move through the property. Grizzly bears have also occasionally been documented to move through the area, including a collared female that traveled through the main-stem parcel in 2014.

The main-stem parcel was used as a logging camp (Helean camp) during early days of logging in the Fish Creek drainage. There are old roads that accessed the property for logging purposes that have since been gated. A trailer house was present on the main-stem property for many years and was removed in fall 2016. The Whitehorse parcel includes a 960-square-foot cabin and 300-square-foot shed/garage built in 2010.

Fire has played a significant role in the Fish Creek watershed over the years, including fires in 2005 that burned into the southwestern corner of the main-stem parcel and 2015 that burned into the western edge of the Whitehorse parcel. The 2015 West Fork Fish Creek fire opened up important habitat for elk and mule deer between the WMA and Great Burn proposed wilderness, making the Whitehorse parcel more crucial for providing cover and connectivity through this area. A portion of the property has spotted knapweed. The Whitehorse parcel can be accessed via walk-in or through a gated non-motorized road through the WMA. The main-stem parcel is easily accessed off the main Fish Creek Road.

Currently, these private property parcels are not open to public access. Previously, when under PCTC ownership, the main-stem parcel was open to hunting and other public recreation.

## **2.0 ALTERNATIVES**

### **Alternative A: No Action**

Under the No Action Alternative, FWP would not purchase the property from Randy Koch. FWP's concern is that the property could be developed or subdivided into numerous private parcels in the future, based on its location and natural resource values and the history of sales of other inholdings along Fish Creek and its main tributaries since 2012.

FWP's acquisition of the Fish Creek WMA and State Park, winter road plowing on the nearby Fish Creek Road, and access to thousands of acres of public lands and the proposed Great Burn Wilderness make the property very marketable. A nearby property with similar attributes sold in 2012. **Fish Creek WMA** home/cabin and other developments have already been constructed.

Land management activities on similar inholdings within the WMA indicate that private ownership carries increased risk of further development or subdivision, riparian and channel encroachment, illegal water withdrawal, and general habitat degradation, as well as loss of public access. The subject property is in Mineral County and is not zoned.

**Alternative B: Proposed Action. Acquisition by purchase and incorporation into the Fish Creek Wildlife Management Area.**

FWP proposes to purchase the 160-acre main-stem property and 116-acre Whitehorse property from Randy Koch as an addition to the FCWMA. Appraised value of the property is \$900,000.

The properties are an inholding within the 35,041-acre FCWMA. If approved, the property would be added to and managed in concert with the WMA for the protection of important habitat for sensitive species, such as bull trout, and numerous game and nongame fish and wildlife species. Additionally, the proposed acquisition would also protect additional wetland and riparian areas that support important wildlife travel corridors. The addition of this inholding to the WMA allows FWP to protect its larger conservation investment in Fish Creek by keeping these parcels from being developed.

Acquisition of this property would be consistent with the goals of the *Montana State Wildlife Action Plan (SWAP; MFWP 2015)* to conserve two community types of greatest conservation need: riparian/wetlands (a terrestrial community type) and mountain streams (an aquatic community type).

**Management of the Addition under FWP Ownership**

Management of the property would be under the guidance of the Fish Creek WMA and Fish Creek State Park Interim Preliminary Management Plan (MFWP 2009). General rules governing the WMA are:

1. Public recreation opportunities include: fishing, hunting, hiking, horseback riding, and other non-motorized recreation. Camping opportunities are evaluated based on compatibility with natural resource values.
2. Motorized vehicles must stay on designated roads.
3. There are mandatory food-storage requirements because of the presence of bears.
4. Use of fireworks is prohibited.
5. Trapping is by FWP permission only.
6. Pack in/pack out all garbage.
7. No commercial hunting or angling outfitting is permitted on the WMA.

If acquired, FWP would work with FVLT, Trout Unlimited, and other partners on riparian habitat enhancement projects, similar to those completed in the past on Deer Creek and the South Fork of Fish Creek on the FCWMA.



### 3.0 AFFECTED ENVIRONMENT AND PREDICTED CONSEQUENCES

#### Evaluation of the impacts of the Proposed Action including secondary and cumulative impacts on the Physical and Human Environment.

##### A. PHYSICAL ENVIRONMENT

1. <u>LAND RESOURCES</u> Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Soil instability or changes in geologic substructure?		X				1a
b. Disruption, displacement, erosion, compaction, moisture loss, or over-covering of soil, which would reduce productivity or fertility?		X				
c. Destruction, covering or modification of any unique geologic or physical features?		X				
d. Changes in siltation, deposition or erosion patterns that may modify the channel of a river or stream or the bed or shore of a lake?		X				
e. Exposure of people or property to earthquakes, landslides, ground failure, or other natural hazard?		X				

1a. The proposed FWP acquisition of the subject property would likely offer positive impacts to soil stability because FWP would protect the acreage from future development and in the future, may initiate riparian habitat enhancement projects which would further stabilize soils from potential erosion.

No changes are anticipated that would alter soil stability, unique geologic or physical features, or expose people or property to a variety of ground failures. Surface mining for removal of gravel or other minerals would not be permitted. The Whitehorse parcel includes mineral rights excluding coal and iron. There are no mineral rights associated with the main-stem parcel.

2. <u>AIR</u> Will the proposed action result in:	IMPACT *					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Emission of air pollutants or deterioration of ambient air quality? (Also see 13 (c).)		X				2a
b. Creation of objectionable odors?		X				
c. Alteration of air movement, moisture, or temperature patterns or any change in climate, either locally or regionally?		X				
d. Adverse effects on vegetation, including crops, due to increased emissions of pollutants?		X				
e. For P-R/D-J projects, will the project result in any discharge, which will conflict with federal or state air quality regulations? (Also see 2a.)		X				

2a. The ambient air quality of the subject property would not change if the proposed acquisition occurs, because motorized public access would remain limited to the existing road, most public recreation opportunities would be by foot within the subject property, and no development activities would be implemented within the subject property.

3. <u>WATER</u>  Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Discharge into surface water or any alteration of surface water quality including but not limited to temperature, dissolved oxygen or turbidity?		X				
b. Changes in drainage patterns or the rate and amount of surface runoff?		X				
c. Alteration of the course or magnitude of floodwater or other flows?		X				
d. Changes in the amount of surface water in any water body or creation of a new water body?		X				
e. Exposure of people or property to water related hazards such as flooding?		X				
f. Changes in the quality of groundwater?			X			3f
g. Changes in the quantity of groundwater?		X				
h. Increase in risk of contamination of surface or groundwater?		X				
i. Effects on any existing water right or reservation?		X				3i
j. Effects on other water users as a result of any alteration in surface or groundwater quality?		X				
k. Effects on other users as a result of any alteration in surface or groundwater quantity?		X				
l. For P-R/D-J, will the project affect a designated floodplain? (Also see 3c.)		X				3l
m. For P-R/D-J, will the project result in any discharge that will affect federal or state water quality regulations? (Also see 3a.)		X				

3f. FWP's acquisition would have no effect on existing quantity or flooding of natural surface waters or groundwater. The change in ownership may have a minor positive impact on water quality since FWP may implement riparian habitat enhancement projects with other partners on the property, similar to those that have been completed on Deer Creek and the South Fork of Fish Creek in FCWMA. Additionally, the transfer of ownership to FWP would ensure no residential development and associated water-related improvements (e.g., septic systems, wells) occurred on this subject property that could impact water quality in the future.

3i. There is one water right with the Whitehorse parcel that would transfer to FWP upon sale. There are two water rights associated with the main-stem parcel that are owned by The Nature Conservancy and would not be included as part of this proposal.

3l. The proposed acquisition would likely not impact a designated floodplain since FWP has no plans to initiate any changes to the creek's channel or shoreline vegetation.

4. <b><u>VEGETATION</u></b>  Will the proposed action result in?	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Changes in the diversity, productivity or abundance of plant species (including trees, shrubs, grass, crops, and aquatic plants)?			X			4a
b. Alteration of a plant community?		X				
c. Adverse effects on any unique, rare, threatened, or endangered species?		X				4c
d. Reduction in acreage or productivity of any agricultural land?		X				
e. Establishment or spread of noxious weeds?		X				4e
f. For P-R/D-J, will the project affect wetlands, or prime and unique farmland?			X			4f

4a. The proposed action is expected to have a positive impact on existing native vegetation under FWP management because: noxious weed infestations would be addressed by mechanical and chemical methods to deter them from spreading, and riparian habitat enhancement projects may be initiated. The forests on these parcels would be managed to support forest health and wildlife habitat values.

4c. There are no reported observations of sensitive plant species (threatened, endangered, or state species of concern) within the subject property (Montana Natural Heritage Program database, 18 December 2017).

4e. The proposed addition would be managed as part of the FCWMA and would be under the same weed control plan as the WMA. If the acquisition is approved, FWP would initiate FWP's Statewide Integrated Noxious Weed Management Plan, using an integrated approach to control noxious weeds on the property by means of chemical, biological and mechanical methods. The implementation of these weed management methods was reviewed by the Mineral County Weed District when the WMA was originally established in 2010. Many of the old logging roads that are closed to the public, as well as roads open to the public are already infested by spotted knapweed.

4f. The proposed action is expected to have a positive impact on existing shrub and forested riparian and wetlands that are present within the property by protecting them from potential manmade disturbances in the future. Additionally, once acquired, FWP would work with FVLT, Trout Unlimited, and other partners on riparian habitat enhancement projects, similar to those completed in the past on Deer Creek and the South Fork of Fish Creek on the FCWMA.



5. <b><u>FISH/WILDLIFE</u></b>  Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Deterioration of critical fish or wildlife habitat?		X				5a
b. Changes in the diversity or abundance of game animals or bird species?		X				
c. Changes in the diversity or abundance of nongame species?		X				
d. Introduction of new species into an area?		X				
e. Creation of a barrier to the migration or movement of animals?		X				5e
f. Adverse effects on any unique, rare, threatened, or endangered species?		X				5f
g. Increase in conditions that stress wildlife populations or limit abundance (including harassment, legal or illegal harvest or other human activity)?			X		Y	5g
h. For P-R/D-J, will the project be performed in any area in which T&E species are present, and will the project affect any T&E species or their habitat? (Also see 5f.)		X				5h
i. For P-R/D-J, will the project introduce or export any species not presently or historically occurring in the receiving location? (Also see 5d.)		X				

5a. The proposed acquisition would maintain wildlife and fish habitat integrity within the FCWMA and would expand the protection of important wildlife forest and riparian habitat and migration corridors within the Fish Creek drainage.

5e. The proposed acquisition would not create a barrier to the migration or movement of wildlife.

5f,h. The proposed acquisition may have a positive impact on threatened, endangered, and state species of concern through the protection of important forest and riparian habitat, as well as a known migration corridor within the Fish Creek drainage. Other game and nongame species would also benefit by the protection of habitats for forage, nesting, and general habitat.

The management of grizzly bears throughout the WMA would continue to be guided by FWP's Grizzly Bear Management Plan (MFWP 2006) for Western Montana, which was developed in cooperation with the USFWS, USFS, National Parks Service, Bureau of Land Management, Blackfoot Tribe, and Confederated Salish and Kootenai Tribes.

5g. The target property would be managed under the guidance of the Fish Creek WMA and Fish Creek State Park Interim Management Plan (MFWP 2009) that balances the needs of wildlife with public access. Public recreational activities such as hunting game species would be permitted on the property as it is within the entire WMA. The proposed acquisition may increase conditions that stress wildlife populations since only limited hunting was permitted under the current private ownership, after the property was previously sold by PCTC. Additional permitted recreational activities on the property would be consistent within the management of the larger WMA.

## B. HUMAN ENVIRONMENT

6. <u>NOISE/ELECTRICAL EFFECTS</u> Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Increases in existing noise levels?		X				6a
b. Exposure of people to serve or nuisance noise levels?		X				
c. Creation of electrostatic or electromagnetic effects that could be detrimental to human health or property?		X				
d. Interference with radio or television reception and operation?		X				

6a. The proposed acquisition would not increase noise above levels currently experienced in the area. Access to the property would continue to be via existing roads, and public recreational activities would be walk-in only and would not be considered a severe noise level.

7. <u>LAND USE</u> Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Alteration of or interference with the productivity or profitability of the existing land use of an area?		X				7a
b. Conflicted with a designated natural area or area of unusual scientific or educational importance?		X				
c. Conflict with any existing land use whose presence would constrain or potentially prohibit the proposed action?		X				
d. Adverse effects on or relocation of residences?		X				

7a. Currently, the property is not developed and not actively managed for a specific purpose (e.g., forestry). Management of the property would be absorbed into the existing WMA, thus no impacts would occur since the property would continue to be managed as open space for the benefit of fish and wildlife species while providing opportunities for public recreation. FWP would take over responsibility for maintenance needs including weed control, possible stream restoration work, and forest management to ensure sustainability and health.

8. <u>RISK/HEALTH HAZARDS</u>  Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Risk of an explosion or release of hazardous substances (including, but not limited to oil, pesticides, chemicals, or radiation) in the event of an accident or other forms of disruption?			X		Y	8a
b. Affect an existing emergency response or emergency evacuation plan, or create a need for a new plan?		X				
c. Creation of any human health hazard or potential hazard?			X		Y	8c
d. For P-R/D-J, will any chemical toxicants be used? (Also see 8a)			X		Y	8d

8a,c,d. If acquired, FWP would implement an integrated method of managing existing and new noxious weeds on the property, identical to the methods currently used on the WMA. The use of herbicides would be in compliance with application guidelines and conducted by people trained in safe application techniques. Weeds may also be controlled using mechanical or biological means in certain areas to reduce the risk of chemical spills or water contamination.

A hazardous materials inspection has been ordered but has not been completed at the time of the release of this EA.

9. <u>COMMUNITY IMPACT</u>  Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Alteration of the location, distribution, density, or growth rate of the human population of an area?		X				9a
b. Alteration of the social structure of a community?		X				
c. Alteration of the level or distribution of employment or community or personal income?		X				
d. Changes in industrial or commercial activity?		X				
e. Increased traffic hazards or effects on existing transportation facilities or patterns of movement of people and goods?		X				

9a. The proposed addition to the FCWMA would have no effect on local communities, nor increase traffic hazards or alter the distribution of population in the area. The closest community is approximately 7 miles north/northwest (Tarkio) and nearby properties are single-family residences/cabins.



10. <u>PUBLIC SERVICES/TAXES/UTILITIES</u>  Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Will the proposed action have an effect upon or result in a need for new or altered governmental services in any of the following areas: fire or police protection, schools, 18s/recreational facilities, roads or other public maintenance, water supply, sewer or septic systems, solid waste disposal, health, or other governmental services? If any, specify:		X				10a
b. Will the proposed action have an effect upon the local or state tax base and revenues?		X				10b
c. Will the proposed action result in a need for new facilities or substantial alterations of any of the following utilities: electric power, natural gas, other fuel supply or distribution systems, or communications?		X				10c
d. Will the proposed action result in increased use of any energy source?		X				10d
e. Define projected revenue sources		X				
f. Define projected maintenance costs.			X			10f

10a,c,d. The proposed action would have no impact on public services or utilities. Minimal services would be needed beyond what FWP staff is currently providing at the WMA. FWP would be responsible for the following: site maintenance, weed control in cooperation with Mineral County Weed District, fish and wildlife law enforcement, and litter pick-up on the subject property. FWP would incorporate these parcels into the statewide forest management plan, with the intent of managing accessible uplands for forest health and effective habitat. FWP enforcement staff currently patrol the existing WMA and would also patrol the additional land and continue to cooperate with local law enforcement as necessary.

10b. FWP is required by state law (§ 87-1-603, MCA), to pay “a sum equal to the amount of taxes that would be payable on county assessment of the property if it was taxable to a private citizen.” Current taxes on the subject property are approximately \$1500 per year based on the current assessment.

10f. Initial costs to maintain the property would be minimal and any ongoing costs would be covered by the WMA’s existing operating budget. FWP would look for opportunities to partner with other governmental or non-governmental organizations in use/maintenance of the “Whitehorse cabin” (a one-bedroom residence built on the parcel in 2010). If the cabin does not prove useful to help meet WMA management goals it could be dismantled and removed. To educate the public of acceptable and prohibited uses on the property, FWP would install boundary markers and signs as soon as possible once the acquisition was completed.

11. <u>AESTHETICS/RECREATION</u> Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Alteration of any scenic vista or creation of an aesthetically offensive site or effect that is open to public view?		X				
b. Alteration of the aesthetic character of a community or neighborhood?		X				
c. Alteration of the quality or quantity of recreational/tourism opportunities and settings?		X				11c
d. For P-R/D-J, will any designated or proposed wild or scenic rivers, trails or wilderness areas be impacted? (Also see 11a, 11c.)		X				

11c. The property is currently posted “No Trespassing” and is not accessible to the general public. The proposed acquisition would expand the number of acres available to fishermen, hunters and other visitors to the WMA for non-motorized recreation, which would be a positive benefit for the area’s public recreational opportunities. The current natural aesthetic values of the riparian/wetlands and forested uplands would be maintained and protected from manmade disturbances in the future.

Public recreational activities currently allowed on FCWMA, such as hunting, fishing, hiking, etc., would be permitted on the subject property if the acquisition occurs.

12. <u>CULTURAL/HISTORICAL RESOURCES</u> Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Destruction or alteration of any site, structure or object of prehistoric historic or paleontological importance?		X				
b. Physical change that would affect unique cultural values?		X				
c. Effects on existing religious or sacred uses of a site or area?		X				
d. For P-R/D-J, will the project affect historic or cultural resources? Attach SHPO letter of clearance. (Also see 12.a.)		X				12d

12d. A file search at the State Historic Preservation Office (SHPO) found no known recorded historic sites within subject property to be transferred to FWP, nor were there any recorded historic sites located within the subject property. SHPO believes there is low likelihood cultural properties would be impacted by the proposed acquisition as long as there would be no new ground disturbance or alteration to structures over fifty-years old. Therefore, SHPO believes that a recommendation for a cultural resource inventory is unwarranted at this time. However, if cultural materials were to be discovered, SHPO requests to be contacted so that the site can be investigated. See Appendix B for the SHPO determination letter.

## SIGNIFICANCE CRITERIA

13. <u>SUMMARY EVALUATION OF SIGNIFICANCE</u>  Will the proposed action, considered as a whole:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Have impacts that are individually limited, but cumulatively considerable? (A project or program may result in impacts on two or more separate resources that create a significant effect when considered together or in total.)		X				13a
b. Involve potential risks or adverse effects, which are uncertain but extremely hazardous if they were to occur?		X				
c. Potentially conflict with the substantive requirements of any local, state, or federal law, regulation, standard or formal plan?		X				
d. Establish a precedent or likelihood that future actions with significant environmental impacts will be proposed?		X				
e. Generate substantial debate or controversy about the nature of the impacts that would be created?		X				
f. For P-R/D-J, is the project expected to have organized opposition or generate substantial public controversy? (Also see 13e.)			X			13f
g. For P-R/D-J, list any federal or state permits required.		X				

13a. The proposed acquisition is expected to have no significant negative cumulative effects on the physical and human environments. Rather, purchasing the property would be expected to provide for the integrity of FCWMA and would contribute to the habitat conservation efforts within the Fish Creek drainage. The protection of these acres would expand riparian and forested habitats for numerous species for forage, shelter, nesting, and migration corridors.

13f. There may be some public controversy generated for the proposed addition to the Fish Creek WMA.

## 4.0 NEED FOR AN ENVIRONMENTAL IMPACT STATEMENT

**Based on the significance criteria evaluated in this EA, is an Environmental Impact Statement (EIS) required?** No

**If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action.**

No, an EIS is not required. Based on an evaluation of the primary, secondary, and cumulative impacts to the physical and human environment, no significant negative impacts from the proposed land acquisition were identified. In determining the significance of the impacts of the proposed project, FWP assessed the severity, duration, geographic extent, and frequency of the impact, the probability that the impact would occur or reasonable assurance that the impact would not occur. FWP assessed the importance to the state and to society of the environmental resource or value affected; any precedent that would be set as a result of an impact of the proposed action that would commit FWP to future actions; and potential conflicts with local, federal, or state laws. As this EA revealed no significant impacts from the proposed actions, an EA is the appropriate level of review and an EIS is not required.

## 5.0 PUBLIC PARTICIPATION

### 1. Public involvement:

The public will be notified in the following manners about the opportunity to comment on this current EA, the proposed action and alternative:

- Legal notice will be published twice each in these newspapers: *Mineral Independent* (Plains), *Independent Record* (Helena), and *Missoulian*.
- Public notice will be posted on FWP's webpage <http://fwp.mt.gov> ("Public Notices"); the Draft EA will also be available on this webpage, along with the opportunity to submit comments online.
- A news release will be prepared and distributed to a standard list of media outlets interested in FWP Region 2 issues; this news release will also be posted on FWP's website <http://fwp.mt.gov> ("News," then "News Releases").
- Direct mail or email notification to adjacent landowners and other interested parties (individuals, groups, agencies).
- A public hearing to explain the project, answer questions and take public comment will be held in Alberton on Thursday March 22, 2018 at 6:30 p.m. at the Alberton Community Center (701 Railroad).

Copies of this draft EA may be obtained by mail from Region 2 FWP, 3201 Spurgin Rd., Missoula 59804; by phoning 406-542-5540; by emailing [shrose@mt.gov](mailto:shrose@mt.gov); or by viewing FWP's Internet website <http://fwp.mt.gov> ("Public Notices," beginning March 14th, 2018).

This level of public notice and participation is appropriate for a project of this scope with no significant physical or human impacts and only minor impacts that can be mitigated.

## **2. Duration of comment period:**

The public comment period will extend for thirty (30) days. Comments must be received by FWP no later than April 13, 2018.

Comments may be made online on the EA's webpage, mailed to the FWP address below, or emailed to Sharon Rose at [shrose@mt.gov](mailto:shrose@mt.gov) :

MT FWP Region 2  
Attn: Fish Creek WMA Addition  
3201 Spurgin Road  
Missoula, MT 59804

For questions about the project, please contact Liz Bradley by email at [lbradley@mt.gov](mailto:lbradley@mt.gov) or by phone at 406-542-5515 (Missoula).

## **6.0 EA PREPARATION**

### **Persons responsible for preparing the EA:**

Liz Bradley, FWP Wildlife Biologist, Missoula, MT  
Mike Thompson, FWP Wildlife Manager, Missoula, MT  
Ladd Knotek, FWP Fisheries Biologist, Missoula, MT

### **List of agencies or offices consulted during preparation of the EA:**

Mineral County Environmental Health and Planning, Superior MT  
Montana Fish, Wildlife & Parks:  
    Fisheries, Missoula, MT  
    Lands, Helena, MT  
    Wildlife, Missoula, MT  
Montana Natural Heritage Program, Helena, MT  
Montana State Historic Preservation Office, Helena, MT



## 7.0 REFERENCES

- American Wildlands. 2008. Priority linkage assessment, the Cabinet-Purcell conservation area.  
<[http://montanans4wildlife.com/pdfs/Cabinet\\_Purcells\\_PLA\\_report\\_AWL.pdf](http://montanans4wildlife.com/pdfs/Cabinet_Purcells_PLA_report_AWL.pdf)> Accessed 23 January 2018
- Montana Fish, Wildlife and Parks (MFWP). 2015. Montana's State Wildlife Action Plan. Helena MT.  
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- Montana Natural Heritage Program (MNHP). 2018. Montana Animal Species of Concern, August 2014.  
<<http://mtnhp.org/SpeciesOfConcern/Default.aspx>> Accessed 23 January 2018.
- Servheen, C. R., R. Shoemaker, and L. Lawrence. 2003. A sampling of wildlife use in relation to structure variables for bridges and culverts under I-90 between Albion and St. Regis, Montana. Pp 331-341  
*In* Proceedings from the International Conference of Wildlife Ecology and Transportation, 2003.  
<<http://www.icoet.net/downloads/03ICOETProceedings.pdf>> Accessed 2 February 2018.

## APPENDICES

- A. List of Montana Species of Concern or Potential Species of Concern
- B. Cultural Resource File Search, State Historic Preservation Office (SHPO letter)

## APPENDIX A.

Montana Species of Concern (SOC) and Potential SOC either documented in or near the inholdings, or possibly present based on current or potential habitat. (Montana Natural Heritage Program 2018)

Species	Main-Stem Parcel	Whitehorse Parcel
Great Blue Heron	X	
Harlequin Duck	X	
Northern Goshawk	X	X
Golden Eagle	X	X
Flammulated Owl	X	X
Western Screech-Owl	X	
Black-backed Woodpecker		X
Pileated Woodpecker	X	X
Rufous Hummingbird	X	X
Clark's Nutcracker	X	X
Pacific Wren	X	X
Veery	X	X
Varied Thrush	X	
Cassin's Finch	X	X
Evening Grosbeak	X	
Little Brown Myotis	X	X
Fringed Myotis	X	X
Silver-haired Bat	X	X
Hoary Bat	X	X
Porcupine	X	X
Grizzly Bear	X	X
Fisher	X	X
Wolverine	X	X
Canada Lynx	X	X
Northern Alligator Lizard	X	
Western Skink	X	X
Westslope Cutthroat Trout	X	
Bull Trout	X	

## APPENDIX B.



December 21, 2017

Liz Bradley  
MT FWP  
3201 Spurgin Rd  
Missoula MT 59802

RE: FISH CREEK WMA PROPOSED KOCH LAND AQUISITION. SHPO Project #:2017122108

Dear Liz:

I have conducted a cultural resource file search for the above-cited project. According to our records there have been no previously recorded sites within the designated search locales. The absence of more cultural properties in the area does not mean that they do not exist but rather may reflect the absence of any previous cultural resource inventory in the area, as our records indicated only a few.

It is SHPO's position that any structure over fifty years of age is considered historic and is potentially eligible for listing on the National Register of Historic Places. If any structures are to be altered and are over fifty years old, we would recommend that they be recorded and a determination of their eligibility be made prior to any disturbance taking place.

As long as there will be no disturbance or alteration to structures over fifty years of age we feel that there is a low likelihood cultural properties will be impacted. We, therefore, feel that a recommendation for a cultural resource inventory is unwarranted at this time. However, should structures need to be altered or if cultural materials be inadvertently discovered during this project we would ask that our office be contacted and the site investigated.

If you have any further questions or comments, you may contact me at (406) 444-7767 or by e-mail at [dmurdo@mt.gov](mailto:dmurdo@mt.gov). I have attached an invoice for the file search. Thank you for consulting with us.

Sincerely,

Damon Murdo  
Cultural Records Manager  
State Historic Preservation Office

File: FWP/WILDLIFE/2017